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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 TERRENCE WILLIAM MCFARLAND,
14 Defendant.

Case No. 2:15-cr-055-APG-PAL

STIPULATION TO CONTINUE
SENTENCING HEARING
(First Request)

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
17 United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for
18 the United States of America, and Rene L. Valladares, Federal Public Defender, and
19 Brian Pugh, Assistant Federal Public Defender, counsel for Terrence William McFarland, that
20 the Sentencing Hearing currently scheduled on January 20, 2016 at 2:00 p.m., be vacated and
21 continued to a date and time convenient to the Court, but no earlier than thirty (30) days.

22 This Stipulation is entered into for the following reasons:

23 1. An issue has arisen related to the possible application of *Johnson v. United*
24 *States*, 135 S.Ct. 2551 to the defendant's sentencing guideline calculation. The parties disagree
25 on *Johnson's* application, and request additional time to further research the issues.
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2. The defendant is not in custody and does not oppose a continuance.

3. The parties agree to the continuance.

This is the first request for a continuance of the sentencing hearing.

DATED this 11th day of January, 2016

RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

/s/ Brian Pugh
By _____

BRIAN PUGH
Assistant Federal Public Defender

/s/ Phillip N. Smith, Jr.
By _____

PHILLIP N. SMITH, JR.
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

Case No. 2:15-cr-055-APG-PAL

4 Plaintiff,

ORDER

5 v.

6 TERRENCE WILLIAM MCFARLAND,

7 Defendant.

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10 IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for
11 Wednesday, January 20, 2016 at 2:00 p.m., be vacated and continued to March 3, 2016
12 at the hour of 10:00 a.m.; or to a time and date convenient to the court.

13 DATED this 11th day of January, 2016.

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15 UNITED STATES DISTRICT JUDGE
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